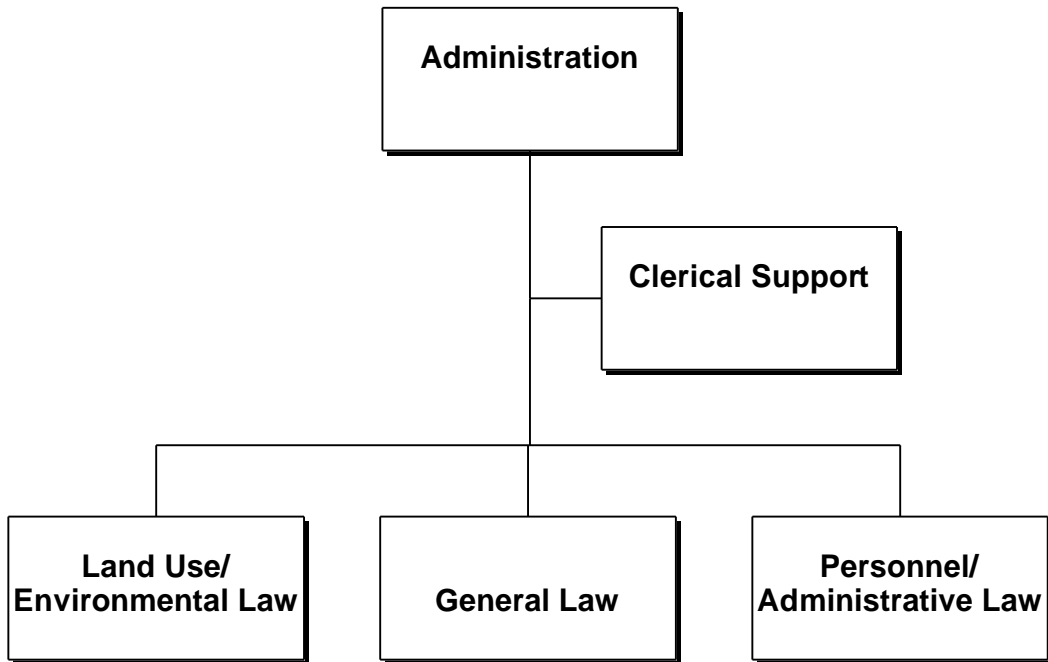


OFFICE OF THE COUNTY ATTORNEY



OFFICE OF THE COUNTY ATTORNEY

Agency Position Summary

64 Regular Positions / 64.0 Regular Staff Years

Position Detail Information

ADMINISTRATION

1 County Attorney
1 Secretary IV
1 Office Service Manager III
1 Network Analyst II
4 Positions
4.0 Staff Years

CLERICAL SUPPORT

12 Legal Secretaries II
1 Secretary I
13 Positions
13.0 Staff Years

LAND USE/ENVIRONMENTAL LAW

1 Deputy County Attorney
1 Senior Assistant County Attorney
1 Assistant County Attorney VI
1 Assistant County Attorney V
7 Assistant County Attorneys IV
3 Paralegal Assistants
14 Positions
14.0 Staff Years

GENERAL LAW

1 Deputy County Attorney
2 Senior Assistant County Attorneys
1 Assistant County Attorney VI
2 Assistant County Attorneys V
5 Assistant County Attorneys IV
5 Paralegal Assistants
16 Positions
16.0 Staff Years

PERSONNEL/ADMINISTRATIVE LAW

1 Deputy County Attorney
2 Senior Assistant County Attorneys
2 Assistant County Attorneys VI
3 Assistant County Attorneys V
7 Assistant County Attorneys IV
2 Paralegal Assistants
17 Positions
17.0 Staff Years

OFFICE OF THE COUNTY ATTORNEY

Agency Mission

To fulfill the requirements of the Code of Virginia that the County Attorney advise the governing body and all boards, departments, agencies, officials, and employees of the locality in civil matters, draft or prepare ordinances, defend or bring actions in which the local government or any of its components shall be a party, and in any other manner advise or represent the locality.

Agency Summary					
Category	FY 2000 Actual	FY 2001 Adopted Budget Plan	FY 2001 Revised Budget Plan	FY 2002 Advertised Budget Plan	FY 2002 Adopted Budget Plan
Authorized Positions/Staff Years					
Regular	64/ 64	64/ 64	64/ 64	64/ 64	64/ 64
Expenditures:					
Personnel Services	\$4,126,983	\$4,304,063	\$4,553,689	\$4,558,252	\$4,603,835
Operating Expenses	685,117	1,330,155	1,257,487	1,417,129	1,211,587
Capital Equipment	53,871	0	31,122	0	0
Subtotal	\$4,865,971	\$5,634,218	\$5,842,298	\$5,975,381	\$5,815,422
Less:					
Recovered Costs	(\$305,687)	(\$313,329)	(\$313,329)	(\$329,192)	(\$332,482)
Total Expenditures	\$4,560,284	\$5,320,889	\$5,528,969	\$5,646,189	\$5,482,940
Income:					
Legal Counsel to FCPS	\$25,034	\$39,682	\$27,659	\$29,258	\$29,258
County Attorney Fees	0	3,907	1,000	1,000	1,000
Litigation Proceeds	2,142,390	46,000	46,000	46,000	46,000
Total Income	\$2,167,424	\$89,589	\$74,659	\$76,258	\$76,258
Net Cost to the County	\$2,392,860	\$5,231,300	\$5,454,310	\$5,569,931	\$5,406,682

Board of Supervisors' Adjustments

The following funding adjustments reflect all changes to the FY 2002 Advertised Budget Plan, as approved by the Board of Supervisors on April 30, 2001:

- The 1.0 percent cost-of-living approved by the Board of Supervisors, and previously held in reserve, has been spread to County agencies and funds. This action results in an increase of \$42,293 to the Office of the County Attorney. This amount consists of an increase of \$45,583 in Personnel Services and an increase of \$3,290 in Recovered Costs.
- A net decrease of \$205,542 as part of the \$15.8 million Reductions to County Agencies and Funds approved by the Board of Supervisors. This reduction includes a decrease of \$5,542 in professional development training as well as \$200,000 in litigation expenses. The net reduction results in a decrease of \$205,542 in Operating Expenses.

The following funding adjustments reflect all approved changes to the FY 2001 Revised Budget Plan from January 1, 2001 through April 23, 2001. Included are all adjustments made as part of the FY 2001 Third Quarter Review:

- Net savings of \$60,000 primarily in Operating Expenses are associated with the Close Management Initiatives program. These savings are now available for reinvestment in other County initiatives.

OFFICE OF THE COUNTY ATTORNEY

County Executive Proposed FY 2002 Advertised Budget Plan

Purpose

The Office of the County Attorney is divided into three sections: the General Law section, the Land Use/Environmental Law section, and the Personnel/Administrative Law section. The General Law section prosecutes delinquent tax claims, defends tax assessment lawsuits, advises County agencies on financial matters and bond issues, interacts with the Virginia General Assembly, drafts proposed County ordinances, reviews County contracts, and issues opinions to the governing body and the County Government on general subjects.

The Land Use/Environmental Law section defends land use decisions of the governing body, enforces and drafts zoning ordinances, brings condemnation actions, advises County agencies on environmental issues, and reviews subdivision documents affecting County property interests.

The Personnel/Administrative Law section defends County personnel decisions in administrative hearings and litigation, provides counsel to the Fairfax County Redevelopment and Housing Authority and the Park Authority, prosecutes cases involving abuse and neglect of children and elders in the Juvenile and Domestic Relations Court, and drafts personnel and retirement ordinances.

Key Accomplishments

- ◆ Streamlined the preparation process for opinion requests to ensure a timely response to requests for opinions by members of the governing body and the County Executive.
- ◆ Modified attorney personnel deployment to address shifting litigation caseloads, which resulted in an increase in the number of attorneys available to handle abuse and neglect and zoning enforcement cases.
- ◆ Achieved a high rate of success in litigation before the Fairfax County Circuit Court and the United States District Court for the Eastern District of Virginia and in appeals before the Virginia and federal appellate courts.
- ◆ Provided preventative law services by conducting training sessions for the Police Academy, the Department of Public Works and Environmental Services, and the Department of Planning and Zoning.
- ◆ Attained leadership positions in both state and local attorney associations, including chairmanship of the Local Government Law Section of the Virginia State Bar, presidency of the Local Government Attorneys of Virginia, and presidencies of the Fairfax Bar Association and the Fairfax Bar Foundation.
- ◆ Implemented an employee recognition program for the Office of the County Attorney.

FY 2002 Initiatives

- ◆ Emphasize the provision of *pro bono publico* legal services to the community consistent with the requirements of the Virginia Rules of Professional Conduct.
- ◆ Increase preventive law services by conducting training sessions throughout County agencies.
- ◆ Evaluate the litigation requirements of the General Law, Land Use/Environmental Law, and Personnel/Administrative Law sections for further changes in attorney deployment to address an increasing number of abuse and neglect cases.

OFFICE OF THE COUNTY ATTORNEY

Performance Measurement Results

The percent of litigation processed to a favorable conclusion is based on all litigation brought by or against the County in state or federal, trial or appellate courts and administrative tribunals. In FY 2000, 97 percent of lawsuits were concluded favorably, exceeding the objective of 80 percent of lawsuits concluded favorably by 17 percentage points. The Office of the County Attorney anticipates a continued high percentage of favorably concluded lawsuits for Fiscal Years 2001 and 2002.

The timeliness of the filing of zoning enforcement suits is based on suits that are referred by the Zoning Administrator to the Office of the County Attorney. In FY 2000, the Land Use section met the 40-day filing standard for zoning enforcement suits 100 percent of the time. It is anticipated that the standard will be met in at least 97 percent of the cases for Fiscal Years 2001 and 2002.

The dollar recovery rate on collection suits is based on suits that are referred by the Department of Tax Administration to the Office of the County Attorney's Target component for the collection of delinquent taxes. Although Target collection cases have surpassed estimates for FY 2000, the number of difficult collection cases targeted in Fiscal Year 2001 and 2002 will be higher than in past years. It is anticipated that this change in the type of targeted delinquent tax cases will decrease Fiscal Years 2001 and 2002 collection rates.

The response time to all requests for legal opinions and advice is based on responses to requests from the Board of Supervisors, other boards, authorities or commissions, the County Executive, and County agencies. The percentage of advisory responses meeting timeliness standards was 92 percent in FY 2000 and is anticipated to increase to 93 percent in FY 2001 and 94 percent in FY 2002.

Funding Adjustments

The following funding adjustments from the FY 2001 Revised Budget Plan are necessary to support the FY 2002 programs:

- ◆ An increase of \$254,189 in Personnel Services associated with salary adjustments necessary to support the County's compensation program.
- ◆ An increase of \$22,243 for Information Technology infrastructure charges based on the agency's historic usage and the Computer Equipment Replacement Fund (CERF) surcharge to provide for the timely replacement of the County's information technology infrastructure.
- ◆ An increase of \$11,085 associated with the County's Professional Development initiative, which provides a percentage of Personnel Services expenditures for training and development requirements.
- ◆ A net decrease of \$104,769 in Operating Expenses is primarily attributable to encumbered carryover of litigation funding from FY 2000 to FY 2001.
- ◆ An increase of \$15,863 in Recovered Costs is due to the FY 2002 projected salaries of recoverable positions.

The following funding adjustments reflect all approved changes to the FY 2001 Revised Budget Plan since passage of the FY 2001 Adopted Budget Plan. Included are all adjustments made as part of the FY 2000 Carryover Review and all other approved changes through December 31, 2000:

- ◆ As part of the FY 2000 Carryover Review, an increase of \$78,393 in Capital Equipment due to unencumbered carryover associated with unexpended Close Management Initiatives (CMI) savings.
- ◆ As part of the FY 2000 Carryover Review, an increase of \$189,687 including \$158,415 in Operating Expenses and \$31,272 in Capital Equipment due to encumbered carryover.

OFFICE OF THE COUNTY ATTORNEY

Objectives

- ◆ To ensure that the civil litigation brought by or against the County of Fairfax and its constituent entities in state or federal, trial or appellate courts and administrative tribunals is consistently processed to a favorable conclusion by maintaining the percentage of lawsuits concluded favorably above 90 percent.
- ◆ To improve response time to all requests for legal opinions and advice from the Board of Supervisors, other boards, authorities or commissions, the County Executive, and County agencies by one percentage point each year toward a target of 95 percent of responses meeting timeliness standards.
- ◆ To file at least 90 percent of zoning enforcement suits within 40 days of the request from the Zoning Administrator.
- ◆ To maintain a recovery rate of at least 63 percent of amounts referred for collection by the Department of Tax Administration.

Performance Indicators

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 1998 Actual	FY 1999 Actual	FY 2000 Estimate/Actual	FY 2001	FY 2002
Output:					
Lawsuits completed	1,075	731	750 / 737	750	750
Advisory responses completed	4,400	4,907	4,500 / 2,783	3,000	3,000
Requests for zoning enforcement actions filed	NA	35	38 / 38	38	38
Dollars Collected:	\$3,466,702	\$4,859,662	\$3,959,363 / \$2,522,723	\$3,000,000	\$3,000,000
Real Estate	\$1,322,879	\$3,513,734	\$2,695,701 / \$1,511,114	\$2,000,000	\$2,000,000
BPP, PP, BPOL, Other	\$2,133,823	\$1,345,928	\$1,263,662 / \$1,011,609	\$1,000,000	\$1,000,000
Efficiency:					
Lawsuits completed per staff ¹	17	11	12 / 12	12	12
Responses provided per staff	69	77	60 / 43	60	60
Zoning enforcement actions filed per staff assigned	NA	14	12 / 15	15	15
Salaries expended per collection amount	11%	8%	10% / 18%	10%	10%
Service Quality:					
Percentage of lawsuits concluded favorably	NA	NA	80% / 97%	97%	97%
Percentage of advisory responses meeting timeliness standards	NA	NA	NA / 92%	93%	94%
(1) BOS Requests/14 Days	NA	NA	75% / 94%	94%	95%
(2) Subdivision Review/21 Days	NA	NA	75% / 100%	90%	90%
(3) Legal Opinion/30 Days	NA	NA	75% / 95%	95%	95%

OFFICE OF THE COUNTY ATTORNEY

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 1998 Actual	FY 1999 Actual	FY 2000 Estimate/Actual	FY 2001	FY 2002
(4) Freedom Of Information Act Requests/ According to state law	NA	NA	NA / 100%	100%	100%
(5) Other Requests/ 1 Year	NA	NA	NA / 89%	90%	91%
Percentage of zoning enforcement requests meeting 40-day filing standard	NA	97%	80% / 100%	97%	97%
Collection rate (Total BPOL, BPP, PP, collected in current year divided by total BPOL, BPP, PP referred in previous year)	NA	62%	63% / 69%	63%	63%
Outcome:					
Percentage point change of lawsuits concluded favorably during the fiscal year	NA	NA	NA / NA	0	0
Percentage point change of responses meeting timeliness standards	NA	NA	NA / NA	1	1
Percentage point change in zoning enforcement requests meeting 40-day filing standard	NA	NA	0 / 2	3	0
Percentage point change in recovery of amounts referred for collection	NA	NA	1 / 6	6	0

¹ The FY 1998 actual number has been revised from 7 to 17 based on a review of the data presented.